

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Application

Serial No.: 09/914,205

Filing Date: August 23, 2001

Applicant: Charles D.Y. Sia et al.

Title: EXPRESSING GP140 FRAGMENT OF PRIMARY HIV-1 ISOLATE

Our Ref: 1038-1076 MIS:sd

January 10, 2003

The Commissioner of Patents  
and Trademarks,  
Washington, D.C. 20231,  
U. S. A.

DECLARATION UNDER 37 CFR 1.47 (a)

I, Reza Yacoob, of 5353 Floral Hill Crescent, Mississauga, Ontario, L5V  
1V2, declare as follows:

1. I am a member of the Patents Department of Aventis Pasteur Limited (formerly Connaught Laboratories Limited) and have personal knowledge of the facts set forth herein. I am the same person who executed the Declaration dated May 13, 2002.
2. I understand that the latter Declaration is not considered sufficient to establish that the non-signing inventor, Charles D. Y. Sia, refuses to execute the application.
3. My prior Declaration contains a clerical error in paragraph 3 thereof in the last sentence at the top of page 2. This sentence should have read:

"The requested executed Declaration and Power of Attorney  
has not been received from Charles D. Y. Sia."

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I confirm that, at the time of my Declaration nor subsequently, the Declaration and Power of Attorney requested in the letter of January 2, 2002, has not been received from Charles D. Y. Sia.

4. I understand the copies of the documents submitted to Charles D. Y. Sia on January 2, 2002 and proof that they were received by Mr. Sia are required. Attached hereto as Exhibit A is a copy of the documents sent to Mr. Sia, namely a complete copy of the specification and drawings as filed and the Declaration and Power of Attorney requiring execution in the form as submitted (unsigned) with the application. I repeat, as indicated in paragraph 3 above, that none of these papers has been returned by Mr. Sia. As proof that the letter of January 2, 2002 was delivered to Mr. Sia and signed for, I am attaching, as Exhibit B, a copy of FedEx Shipment Tracking Information, which shows that the package was delivered to and signed for by Mr. Sia on January 10, 2002.

5. I further understand that there should be a further attempt to contact Mr. Sia to attempt to obtain his signature on a Declaration and Power of Attorney for this application. I contacted Mr. Sia by telephone on November 18, 2002 regarding execution of the papers sent to him at his home but only reached his answering machine. I left a message for him to call back, but no call back has been received as of the date of this Declaration.

6. I repeat what I stated in my prior Declaration, namely that since the time of termination of his employment with Aventis Pasteur Limited on September 28, 2000, Charles D. Y. Sia has consistently not returned papers required to be executed in connection with various patent applications in which he is a named inventor. I can specifically point to U.S. Application No. 09/647,981 in this respect.

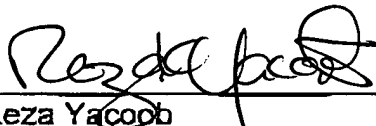
7. I additionally understand that a question has arisen with respect to the signature of the inventor Benjamin Rovinski. Mr. Rovinski is also a former employee of Aventis Pasteur Limited but continues to cooperate with respect to the execution of formal papers. A complete Declaration and Power of Attorney document, bearing the names of the inventors and already signed by Shi-Xian Cao and Roy Persson, was forwarded

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to Mr. Rovinski for his signature on behalf of the non-signing inventor, Charles D. Y. Sia, and he returned just the page bearing his signature.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Toronto, Ontario, this 23 day of January, 2003.

  
Reza Yacoub